

REMARKS

The office action of January 17, 2006 has been reviewed and these remarks are responsive thereto. By this amendment, claim 1 has been amended to correct a typographical error, no additional claims have been cancelled, and new claims 58-61 have been added. Claims 1-46 and 48-61 thus remain pending. Reconsideration and allowance of the instant application are respectfully requested.

Rejections under 35 U.S.C. §102

Claims 1-46 and 48-57 stand rejected under 35 U.S.C. §102(a) as allegedly being anticipated by U.S. Patent Application No. 2003/0096639 A1 to Cluff et al. (*Cluff*). Applicant respectfully traverses this rejection, while reserving the right to swear behind *Cluff* should this rejection be maintained by the Office.

The office action states that *Cluff* discloses, “selecting a radio signal...associated with the indicated identifying number.” Office Action, page 3. However, *Cluff* never discloses selecting a radio signal, but merely states that a telephone may have a baseband chipset and a radio frequency (RF) chipset. *Cluff*, Figure 1, paragraphs [0008-0009]. As is well known in the art, an RF chipset used in cellular telephone technology is unrelated to a “radio” as described in the present application. Application, Abstract.

For example, claim 1 recites “associating the *determined number* with a radio frequency.” Nowhere does *Cluff* recite making an association between a number and a radio frequency. *Cluff* also fails to disclose, “tuning a radio to the associated radio frequency,” as recited in claim 1 (Emphasis added). Thus, the radio recited in claim 1 refers to a conventional audio radio, for example, an AM or FM radio receiver to receive and amplify audio signals (as further claimed in newly added dependent claims), and does not refer to the RF baseband cellular technology of *Cluff*. Since *Cluff* does not disclose “tuning a radio” to a radio frequency, or “associating [a] determined number with a radio frequency,” claim 1 is not anticipated by *Cluff*. Since every independent claim in the present application recites the use of radios and / or one or more radio frequencies, and since the RF Chipset of *Cluff* is unrelated to the radios / radio frequencies disclosed in the present application, claims 2-46, and 48-57 are also not anticipated by *Cluff*.

Additionally, independent claims 2, 12, 21, 31, 34, 44, 50, and 51 recite a “radio signal.” Since the use of a radio signal is not disclosed by *Cluff*, these claims as well as dependent claims 3-11, 13-20, 22-29, 32-33, 35-38, 45-46, 48-49, and 56, are not anticipated by *Cluff* for this additional reason.

For the above reasons and other shortcomings of *Cluff*, Applicant agrees with the office action dated December 14, 2004, which stated, after considering *Cluff* and other references, “prior art of record fails to disclose means for associating a number identifying an incoming telephone call with a radio frequency and means for tuning a radio to the associated radio frequency.” Office Action of December 14, 2006, page 3.

New Claims

Applicant has added new claims 58-61, supported by the specification as filed. No new matter has been added. The new claims are allowable at least based on the allowability of their respective base claims, and further because the art of reference does not describe the use of AM or FM radio receivers, or receiving / amplifying audio signals.

Conclusion

Based on the foregoing, Applicant respectfully submits that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicant's undersigned representative at the below-listed number.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated this 21st day of April, 2006

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